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6 Attorneys for Defendant
7 Leesa Berens Morrison

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

10 BLACK STAR FARMS, L.L.C., JOHN)
11 NORTON, GARY FRISCH, MICHELLE) Case No. CV-05-2620-PHX-MHM
12 FRISCH, DAVID MONHEIT, AND MELISSA)
13 MONHEIT,)
14 vs.) Plaintiffs,)
15 LEESA BERENS MORRISON, in her official) STIPULATION
16 capacity as Director of the State of Arizona)
17 Department of Liquor Licenses and Control,)
18 and) Defendant,)
19 ALLIANCE BEVERAGE DISTRIBUTING)
20 COMPANY, LLC,)
21 Intervenor-Defendant.)

STIPULATION

25 Counsel having conferred and having agreed that a short stay of this proceeding
26 would be reasonable and appropriate to await the Arizona Legislature's action concerning
27 pending legislation, which may render this matter (or a substantial portion of it) moot, thus

1 furthering judicial efficiency and conserving the parties' resources, it is hereby stipulated
2 and agreed as follows:

- 3 1. All proceedings, including the filing of the motions and cross-motions
4 described in the Court's January 4, 2006 Order (the "January 4th Order") shall
5 be stayed until May 1, 2006.
- 6 2. During the period of this stay, the State Defendant shall submit a monthly
7 status report to the Court with respect to the Legislature's action on the
8 relevant bills regarding the sale and distribution of wine.
- 9 3. Following the Arizona Legislature's action in its current session on the
10 pending legislation concerning the sale and distribution of wine and the
11 expiration of the stay provided for herein, Plaintiffs shall have the consent of
12 Defendant and the Intervenor-Defendant to amend the Amended Complaint to
13 address changes in the relevant statutory provisions (if any) affecting the
14 Plaintiffs' claims in the Amended Complaint.
- 15 4. Following the Arizona Legislature's action in its current session on the
16 pending legislation concerning the sale and distribution of wine and the
17 expiration of the stay provided for herein, and subsequent to the Plaintiffs'
18 filing of an amended Amended Complaint (if any), counsel for the parties
19 shall agree upon a new briefing schedule for the Rule 12 motions and cross-
20 motions to the extent that there remains any issue as to which the parties wish
21 to make a Rule 12 motion or cross-motion. Such revised briefing schedule
22 shall be subject to the approval of this Court.
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1 5. All other provisions of the January 4th Order, including the stay of all
2 discovery, shall remain in effect.
3

4 Dated this ____ day of January, 2006

5 By: s/ Kent M. Nicholas, Esq.
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27 Black Star Farms, L.L.C., John Norton,
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38 Attorney for Defendant
39 Leesa Berens Morrison, in her official
40 capacity as Director of the State of Arizona
41 Department of Liquor Licenses and Control

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5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

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8 BLACK STAR FARMS, L.L.C., JOHN)
9 NORTON, GARY FRISCH, MICHELLE) Case No. CV-05-2620-PHX-MHM.
10 FRISCH, DAVID MONHEIT, AND MELISSA)
11 MONHEIT,)
12 Plaintiffs,)
13 vs.) ORDER
14 LEESA BERENS MORRISON, in her official)
15 capacity as Director of the State of Arizona)
16 Department of Liquor Licenses and Control,)
17 Defendant,)
18 and)
19 ALLIANCE BEVERAGE DISTRIBUTING)
20 COMPANY, LLC,)
21 Intervenor-Defendant.)
22
23 Pursuant to the Order of this Court, dated January 4, 2006, and the stipulation of the
24 parties,
25 IT IS HEREBY ORDERED AS FOLLOWS:
26
27 1. All proceedings, including the filing of the motions and cross-motions
28 described in the Court's January 4, 2006 Order (the "January 4th Order") shall be stayed
until May 1, 2006.